

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KEITH LAMONT FARMER,)	
)	
Plaintiff)	
)	Case No. 3:12-0489
v.)	Judge Trauger/Brown
)	Jury Demand
CPL. CHRIS PARKER, <i>et al.</i> ,)	
)	
Defendants)	

O R D E R

Counsel for the Plaintiff has filed a request for time to conduct discovery and for an extension of the time that he needs to respond to the pending motion for summary judgment (Docket Entry 126). The Magistrate Judge understands that Plaintiff's counsel is due to be admitted as an attorney in the Middle District of Tennessee on May 7, 2013, at 1:00 p.m.

This matter is set for a Rule 16 case management conference on **May 7, 2013, at 2:00 p.m., Courtroom 783.**

The Magistrate Judge is a bit confused by the fact that there is a response (Docket Entry 127) to the pending motion for summary judgment (Docket Entry 108). At the same time there is a motion (Docket Entry 126) to delay the hearing on the Defendants' motion for summary judgment. The Magistrate Judge will consider this as a motion to take discovery and permission to file an additional response to the motion for summary judgment by the Plaintiff.

The Magistrate Judge believes that the Plaintiff has raised issues which will require careful consideration. The Magistrate Judge is not clear on the depositions that were taken of two inmates at the close of discovery where the Plaintiff apparently was not able to attend, either in person or by telephone. Additionally, the Magistrate Judge is concerned that it appears that an affidavit of an expert was tended without the Plaintiff having an opportunity to know of the expert and to conduct any discovery on that matter.

In the event the Magistrate Judge does decide to allow additional discovery, a new trial date will have to be secured. Plaintiff's counsel should bring with him a proposed scheduling order which, if the Magistrate Judge reopens discovery, would provide appropriate new deadlines. If the parties are in agreement on reopening discovery it could be a joint proposal. To the extent the Defendants oppose the reopening of discovery, the Magistrate Judge will consider their arguments before finally ruling.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge